

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

TYLER TECHNOLOGIES, INC.,

Plaintiff,

V.

C.A. No. 4:20-cv-00173- TWP-DML

LEXUR ENTERPRISES INC., ROBERT FRY,
JIMMY DAVIS, JOE THORNSBERRY,
AND JOHN DOES 1-100

Defendants.

**PLAINTIFF TYLER TECHNOLOGIES, INC.'S
OPPOSITION TO JOINT MOTION FOR DISCOVERY EXTENSION**

Plaintiff Tyler Technologies, Inc. (“Tyler”) respectfully requests that the Court deny the Joint Motion for Extension of Time to Respond to Discovery (the “Motion”) filed by Defendants Lexur Enterprises, Inc. (“Lexur”) and Robert Fry (“Mr. Fry”) (Lexur and Mr. Fry together, the “Defendants”). (*See* DE #82).

Defendants' Motion is an attempt to unilaterally grant themselves the stay of discovery that they have not been granted by the Court.

Tyler has been and continues to be willing to cooperate and be flexible with respect to case deadlines and extensions. This case has been pending for over 9 months, however, and Tyler served Defendants with narrow and targeted discovery requests over 2 months ago now, with no objections or responses yet provided. Meanwhile, third party discovery has been fruitful, with both former co-defendants (Jimmy Davis and Joseph Thornsberry) responding to subpoenas with

documents that not only solidify the outrageous scheme orchestrated by the Defendants but confirm the merit of Tyler's claims.

While Tyler did not object to Defendants' motions to extend their original discovery response deadlines by the 28 days automatically provided for under the Local Rules (subject only to noting that it would require extension of the Case Management Plan), *see* DE # 73-74, Tyler does object to Defendants' attempt to now seek serial extensions that are the equivalent of granting themselves a stay of discovery.

Tyler incorporates herein all of its arguments in opposition to a stay of discovery and requests that the Court deny the instant Motion and require Defendants to respond to the written discovery requests within the prescribed deadlines.

Respectfully submitted,

/s/ Ann O'Connor McCready

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Counsel for Tyler Technologies, Inc.

Dated: April 8, 2021

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2021, a copy of the foregoing document titled ***Plaintiff Tyler Technologies, Inc.'s Opposition To Motion For Discovery Extension*** was filed via CM/ECF and served on all counsel of record.

/s/ Ann O'Connor McCready
Ann O'Connor McCready (Ind. Atty. No. 32836-53)